

DELEGATED DECISION REPORT

HPK/2022/0553
Valid 15/12/2022

**HIGH PEAK DENTAL CARE,
ECCLES ROAD, CHAPEL-
EN-LE-FRITH,
DERBYSHIRE, SK23 9RG**

**CHANGE OF USE OF PART OF
FORMER DENTAL PRACTICE
TO HOLIDAY LET
(FULL - MINOR)**

MAIN ISSUES

- Principle of Development
- Residential Amenity
- Highway Safety
- Design and Conservation

DESCRIPTION OF SITE

The site comprises a two-storey building on the south side of Eccles Road at the junction with Cross Street, previously forming part of a dental practice. The ground floor is currently linked internally with the neighbouring building to form a larger unit. The remainder of the unit is converted to residential use in accordance with details approved under a recent prior approval change of use application ref. DET/2022/0015.

PROPOSAL

The proposal is to convert the unit to form a holiday let, the design and access statement submitted alongside this application outlines that the holiday let will be used for short term occupation only. The statement also highlights that no external alterations are required as the original shop fronts with their original features will be retained.

The application site is located within the limits of the Chapel en le Frith conservation area.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S1 Sustainable Development Principles
S1a Presumption in Favour of Sustainable Development
S2 Settlement Hierarchy
S6 Central Sub-area Strategy
EQ1 Climate Change
EQ6 Design and Place Making
EQ7 Built and Historic Environment
CF6 Accessibility and Transport
E4 Change of Use of Existing Business Land Premises

E6 Promoting Peak District Tourism and Culture

National Planning Policy Framework

Achieving Sustainable Development	Chapter 2
Building a Strong Competitive Economy	Chapter 6
Promoting a Sustainable Transport	Chapter 9
Achieving Well Designed Places	Chapter 12
Conserving and Enhancing the Historic Environment	Chapter 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

DET/2022/0015

Application to determine if prior approval is required for a proposed: Change of use from former Dental practice to 3 residential units

Prior approval granted

CONSULTATIONS

Publicity

Site Notice expiry date: 26/01/2023

Neighbour consultation period ends: 26/01/2023

Press Advert: 26/01/2023

Public Comments

One neutral representation received.

Should be maintained as a shop/ commercial property. Noting planning permission has been granted for two residential units in the left hand section of one which had a shop frontage. Lack of parking at night, no outside area for bins, garden, historical building, In conservation area and in a town currently with a higher demand for shop/ commercial units than the number of shops currently available for sale or rent. A nearby house on Eccles road on the junction for the doctors surgery was a holiday let for over a year adding to parking issues has now been sold and now is used as residential use.

Case Officer comments:

The principle of the proposal is considered in the assessment section of this report as is highway safety and parking.

Town / Parish Comments

No objection, however if HPBC were mindful to approve the application the issue of parking should be addressed in the decision notice.

Derbyshire County Council Highways

No objection.

HPBC Conservation Officer

No objection.

Waste and recycling

No objection. The only comment is that the waste generated from the Holiday Let will be classed as Commercial Waste and will need to be collected by a registered waste carrier.

Environmental Health

No objection.

OFFICER COMMENTS

Principle of Development

The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan consists of the High Peak Local Plan Policies Adopted April 2016. Other material considerations include the National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG).

Paragraph 11 of the National Planning Policy Framework (NPPF) promotes a 'presumption in favour of sustainable development'. For decision takers this means

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless:
 - i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 8 of the NPPF identifies three dimensions to sustainable development as being economic, social and environmental.

In accordance with policies S1 and S1a of the High Peak Local Plan the Council will expect all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible enhancing the environment.

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). Development will be directed towards the most sustainable locations in accordance with the settlement hierarchy set out at LP (Local Plan) Policy S2.

Local Plan (LP) Policy E4 relates to the change of use of existing business land (within the B1, B2 and B8 Use Class – now partially superseded by the new Class E) and states that the loss of or change of use of a business premises will only be permitted where the current use is no longer suitable or commercially viable or an appropriate level of enabling development is required to support improvements to employment premises.

The application seeks permission for the change of use of an existing commercial building to a self-catering holiday let. Local Plan (LP) Policy E6 aims to promote tourism and culture within the Borough by (amongst other things) supporting and supplementing the tourism offer of the Peak District National Park and supporting tourism and provision of visitors which is appropriate to the settlement and consistent with environmental objectives. Compliance with Policy E6 of the LP remains engaged.

Chapter 6 of the NPPF contains policies designed to create a strong, competitive economy. Paragraph 83 states that policies and decisions should support the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

The application would introduce a new tourism accommodation offer to the town within close proximity to the Peak District National Park and thereby supports the aims and objectives of LP Policy E6 and Chapter 6 of the NPPF.

The proposed use would see the partial loss of a dentists practice office space that fall within the newly created Class E following changes to the Use Classes Order in September 2020. Class E now covers a wider range of uses than previous use classes prior to September 2020.

It is considered that whilst there would be a degree of conflict with LP Policy E4 by virtue of the loss of the commercial unit space without suitable justification, there are a number of non-commercial uses that could operate lawfully within the building without the need for planning permission. This includes the dwellinghouse use secured under the previously approved prior approval.

Whilst the proposals would result in the loss of the commercial space and residential unit approved under the previously approved prior approval application, it is judged that this would have no material impact on the office or housing supply and trajectory within the authority area and therefore the general principle of development is supported. When considering the fact that the premises could function in a different capacity without planning permission, it is considered that the conflict with LP Policy E4 does not warrant a credible reason for refusal.

As the site lies within the Conservation Area the application is subject to LP Policy EQ7, and relevant restrictive paragraphs relating to heritage conservation contained under Chapter 16 of the NPPF, underpinned by Section 72 of the Act 1990.

The application can therefore only be supported if it can be demonstrated that the proposed change of use and associated development will either preserve or enhance the character and appearance of the building and wider conservation area.

Residential Amenity

LP Policy EQ6 seeks to secure development that does not result in unacceptable effects on the amenity of the area by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

Similarly, LP Policy EQ10 states that the Council will protect people and the environment from unsafe, unhealthy and polluted environments. Given the scale of the buildings and their positions relative to nearby dwellings, it is not considered that they do or would give rise to harm in terms of visual intrusion, overbearing, loss of light or overshadowing.

Additionally, the High Peak Residential Design Guide SPD requires extensions and conversions to preserve the residential amenity of neighbouring properties, having regard amongst other things to the relationship between existing and proposed development, the positioning of windows, and the change in land levels.

Paragraph 130 of the NPPF states that planning should create places with a high standard of amenity for existing and future users.

The application would see the existing unit, which is capable of operating as a separate dwelling under the previously approved prior approval, to be converted to a self-catering holiday let with one bedroom. The building sits on a corner plot with public highways to either side. It is considered that the 'comings and goings' generated by visitors would not result in any general noise or disturbance that would materially impact upon neighbouring amenity over the existing arrangement.

Having regard to the above analysis, the application is considered to preserve the residential amenity of neighbouring residents in accordance with LP Policy EQ6, the High Peak Residential Design Guide SPD and paragraph 130 of the NPPF.

Highway Safety

LP Policy CF6 seeks to ensure that development can be safely accessed in a sustainable manner and that all new development is located where it can be satisfactorily accommodated within the existing highway network. Suitable off-street parking provision in accordance with guidelines set out under Appendix 1 of the Local Plan should be provided.

Paragraph 110 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all

users. Paragraph 111 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The objection has raised concerns regarding the lack of off-street parking provision and bin storage. There is currently no off-road parking provision to serve the office and none is proposed. The highly sustainable location of the site within close proximity to public transport connections and public car parks means that it would be unreasonable to refuse the application on the basis of no off-street parking being provided, especially in light of the existing arrangement. The same applies in respect of bin storage, which would be no more problematic than if the property were converted to a dwelling under the DET or retained in commercial use.

The Highways Authority have raised no objections to the proposed change of use in light of the existing use of the premises, which is likely to generate a similar number of vehicles to site.

In light of the above, it is considered that whilst no off-street parking provision is not included, the site lies within a highly sustainable location, where alternative modes of transport are readily available. The application therefore complies with LP Policy CF6 and paragraph 110 of the NPPF.

Design and Conservation

Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

LP Policy S1 sets out a number of sustainability principles which all new development proposals should incorporate in order to make a positive contribution towards the sustainability of communities and to protect, and where possible enhance the environment.

LP Policy EQ6 states that all development should be well designed to respect and contribute positively to the character, identity and context of High Peak's townscapes, in terms of scale, height, density, and layout.

LP Policy EQ7 has regard to the Built and Historic Environment. It states that the Council will conserve heritage assets in a manner appropriate to their significance. This will take into account the desirability of sustaining and enhancing their significance and will ensure that development proposals contribute positively to the character of the built and historic environment.

The High Peak Residential Design Guide SPD (2005) and more recently adopted Design Guide SPD (2018) contains further design guidance for extending and altering buildings to facilitate changes of use and states that the improvement or alteration of a site is generally preferable to redeveloping a site, but should be undertaken with care, taking note of what is already there before preparing the

design and to work with, not against, the building's character; the aim being to revitalise the building without the altering its fundamental character. The guidance states that it always best to use existing openings to the full before considering their alteration.

Paragraph 130 of the NPPF states amongst other things that decisions should ensure that developments will add to the overall quality of the area; are visually attractive as a result of good architecture; and are sympathetic to the surrounding built environment.

Chapter 16 of the NPPF contains the national restrictive policies relating to heritage and conservation. Paragraphs 193-196 set out how a local authority should assess the significance of a heritage asset, and the potential impact of a development proposal upon that asset. Where a proposal will lead to substantial harm or total loss of a designated heritage asset, local planning authorities should refuse consent unless there are substantial public benefits that outweigh that harm. Where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits.

The application relates to a building that sits in an extremely prominent corner position adjacent to the public highway within the Conservation Area. Any changes to the external appearance of the building therefore need to be sensitively designed.

The proposed change of use does not involve any changes to the external appearance of the property. As such, it is considered that the application as proposed will ensure that the character and appearance of the building and wider conservation area will be preserved.

Subject to appropriate conditions the application is considered to demonstrate compliance with LP Policy EQ7, and relevant restrictive policies contained under Chapter 16 of the NPPF.

CONCLUSION / PLANNING BALANCE

The application proposes a new residential dwelling at this location and it is considered that the development comprises sustainable development and meets the relevant policy tests of the adopted Local Plan and NPPF which includes a neutral impact on the relevant designated heritage assets.

OFFICER RECOMMENDATION : Approve with conditions

Case Officer: John Van Eker

Recommendation Date: 07/12/2023

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council